

Release-Based Cleanup Regulations

The Release-Based Cleanup Regulations were adopted on May 16, 2025. Regulatory text and associated documents are available at the [Connecticut eRegulations System](#).

[Public Act 25-6](#) and [Public Act 25-54](#) were passed to smooth the transition to the Release-Based Cleanup Regulations, extend the Working Group until 2030, and set up a voluntary parcel-wide program. To be ready for the March 1, 2026 regulations effective date and to accommodate adding the newly authorized parcel-wide cleanup program to the REACT portal currently under construction, the launch of REACT is anticipated by the end of calendar year 2025.

Frequently Asked Questions

Additional questions are welcome

May 2025

General.....	3
How will this regulatory change affect revenue to the State?.....	4
How will a release-based framework accelerate environmental cleanups and financial transactions?.....	4
What Will Happen to Current Programs now that the Release-Based Cleanup Regulations are Adopted?.....	4
Property Transfer Program (PTP)	5
What will happen to the PTP upon the effective date of the Release-Based Cleanup Regulations?.....	5
I have a property subject to cleanup under the PTP. How will the release-based regulations affect me?.....	5
My PTP property was Verified as meeting the cleanup standards and I am now selling it. Will new PTP forms be required when I sell the property?	5
How will releases at a PTP property that has been Verified as cleaned up be regulated under the RBCRs?.....	5
Release-Based Cleanup Regulations Development.....	5
How were the Release-Based Cleanup Regulations (RBCRs) developed?.....	5
Why are statutory changes needed to adopt the RBCRs?	6
Statutory changes are needed to address three things:.....	6
Why has it taken four years to craft the RBCRs?.....	6
Components of Release-Based Cleanup Regulations.....	6
What are the major components of the RBCRs?	6
Do the RBCRs apply to residential properties?.....	7
Which releases are “Emergent Reportable Release” per the Release Based Cleanup Regulations?.....	8
How is a historic release discovered under the RBCRs?	8
When must a Significant Existing Release (SER) be reported?.....	8

What are the fees unique to the RBCRs?	9
What is an Immediate Action?	10
What are Tiers?.....	10
How does a release get into a Tier?	10
What is the role of a PEP? LEP? How will those change under the RBCRs?	11
How is Certification of a Release different from Verification?	11
What is the purpose of a Release Remediation Closure (Cleanup Complete) Report?.....	11
What Release-Based records can DEEP audit and when?.....	12
What are the possible outcomes of an audit?	12
Why does DEEP conduct audits?	12
Technical Changes to Streamline Cleanups.....	12
How do I demonstrate that the concentration of metals in an environmental sample is indicative of a naturally occurring source?	12
What are the new criteria categories?	13
What is a Permit by Rule?.....	13
What does the Permit by Rule for Historically Impacted Materials (HIM) require?	13
What does the Permit by Rule for “Soil Located beneath Concrete or Bituminous Concrete” require?.....	14
What is the “Conditional Exemption for Dredged Materials”?.....	14
Further Questions	14

General

Why are changes to Connecticut's cleanup framework being proposed?

The proposed release-based cleanup framework uses the same approach that 48 other states already use. The Release-Based Cleanup Regulations (RBCRs) will require that new spills and newly discovered historical releases follow the same regulations and be cleaned up to the same standards. This uniformity will ensure that environmental cleanups happen faster, making them less expensive, and much less confusing to property owners regarding what is required, while protecting human health and the environment. It will also provide clarity for buyers of properties and their lenders that observed or detected releases that are cleaned up under the RBCRs meet criteria.

The current regulatory framework for environmental cleanup of polluted sites depends on whether the parcel is regulated under the Property Transfer Act, a Voluntary Cleanup Program, various Brownfield Programs, and/or the Significant Environmental Hazard Program, to name a few. Having multiple cleanup programs has led to confusion and stigma and has been a burden on the property transfer process in Connecticut. The current framework has essentially provided an incentive to owners of such properties to abandon them if they are subject to the Property Transfer Act, leaving hazardous substances in our communities and stalling economic development.

Meanwhile, properties not subject to the Property Transfer Act may undergo environmental investigation and cleanup to mitigate immediate dangers to human health and/or the environment posed by spills, and otherwise are not subject to site-wide investigation and cleanup.

How does the Release-Based Cleanup Program compare to the current Property Transfer program?

The Property Transfer Act requires a determination whether the Act applies to a business or property transfer, so even when transactions may not be subject to the Act, parties typically hire an environmental lawyer to assist in making determinations on applicability of the Act. This imposes costs that are not associated with risk reduction. If the Property Transfer Act does apply, it typically requires a site-wide investigation to evaluate the environmental conditions at all potential historical release areas at the time of the transfer.

The Release-Based Cleanup Program aims to reduce the cost and complexity of each required cleanup, but also to expand the universe of environmental clean-ups. It requires that all new releases and newly discovered historical releases of pollution be cleaned up to applicable cleanup criteria. Essentially, if “you spill it, you clean it up.”

The RBCRs will **not** require site-wide investigations nor impose environmental investigation or cleanup obligations triggered by a transfer of property. Since the State will no longer mandate an environmental investigation be conducted as part of a business or property transfer, the decision to evaluate the environmental condition of a property will be market-driven and will generally be determined between the owner and buyer.

How will this regulatory change affect revenue to the State?

It will **not cost** the State. In fact, DECD economists estimate moving to the RBCRs will, in the next five years, **generate**:

- **2,100 new construction jobs,**
- **\$3.78 billion** in new GDP growth, and
- **\$115 million** in new revenue for the State.

How will a release-based framework accelerate environmental cleanups and financial transactions?

First, under the RBCRs framework, a property transfer will no longer trigger the need to conduct a site-wide investigation to prove a release did or did not occur, as currently required under the Property Transfer Act. The RBCRs require investigation and characterization only after discovery of a release.

Second, all releases are required to be cleaned up following the same procedures and requiring the same endpoints. This streamlined process will ensure all releases are cleaned up to the same standard so it will be easier to understand what is required.

Third, all releases are required to be cleaned up when they occur or are discovered and not waiting until the property or business is sold. This has a number of benefits, including that remediation at that time of release typically costs less, prevents the spread of pollution, and may protect others from potential harm.

What Will Happen to Current Programs now that the Release-Based Cleanup Regulations are Adopted?

- **Sites being remediated under the Property Transfer Program, Brownfields Programs, and Voluntary Programs:** All of the new compliance measures in the RBCRs can be used at these sites, but the environmental investigation and verification process will remain under those specific site-wide programs.
- **Significant Environmental Hazard Program:** This program will remain in place **only** for sites that have been accepted into a brownfields program and are owned by municipalities or land banks. Similar releases on all other properties will be regulated under the RBCRs as Significant Existing Releases.
- **RCRA Facilities Cleanup:** Site-wide remediation at RCRA hazardous waste management facilities will continue under that program, though all of the new performance standards in the RBCRs are available for use at those sites. RCRA facilities will continue to use Connecticut's performance standards [currently the Remediation Standard Regulations, then Release-Based Cleanup Regulations when effective] to determine when remediation is complete, with or without long-term stewardship controls. Progress milestones achieved to complete RCRA cleanup counts toward cleanup in other programs and vice versa.
- **Underground Storage Tanks (UST):** [Certain regulated UST releases](#) will continue to be regulated under the UST regulations. The programmatic requirements of the Release-Based Cleanup Regulations will not apply, though the cleanup performance standards will apply.

Property Transfer Program (PTP)

What will happen to the PTP upon the effective date of the Release-Based Cleanup Regulations?

The requirement to enter the program will sunset, which means that no new properties will enter the Property Transfer Program after the effective date of the Release-Based Cleanup Regulations, March 1, 2026. Properties subject to the Property Transfer Act will still need to complete investigation and remediation to achieve cleanup standards.

I have a property subject to cleanup under the PTP. How will the release-based regulations affect me?

Properties that enter the PTP before the effective date of the Release-Based Cleanup Regulations will continue remediation under that statutory framework until a Verification – a document that supports that cleanup has been completed in accordance with the cleanup standards – is achieved. The new cleanup criteria and alternative compliance provisions of the RBCRs can all be applied at PTP sites.

My PTP property was Verified as meeting the cleanup standards and I am now selling it. Will new PTP forms be required when I sell the property?

If the property (or business) is sold after the effective date of the RBCRs, no new filings under the Transfer Act are required. If the property were to be sold *prior to effective date of the RBCRs and establishment activities have occurred at the property after the effective date of the verification*, as defined under PTP, there may be a PTP filing due to DEEP.

How will releases at a PTP property that has been Verified as cleaned up be regulated under the RBCRs?

Any future releases (or discoveries of prior releases) at those properties will fall under the RBCRs.

Release-Based Cleanup Regulations Development

How were the Release-Based Cleanup Regulations (RBCRs) developed?

CT DEEP, in partnership with the Department of Economic and Community Development (DECD), after years of working with stakeholders, has finalized proposed regulations that promise to provide more certainty, efficiency, and protection for both businesses and residents relating to the cleanup of releases.

The RBCRs will be a programmatic shift in how Connecticut addresses the remediation of pollution to the lands and waters of the state.

Why are statutory changes needed to adopt the RBCRs?

Statutory changes are needed to address three things:

- Stakeholders have requested that the RBCRs take effect on a set date, rather than the date of adoption, to ensure that everyone will be aware of the effective date in advance.
- Stakeholders have also requested to retain programmatic options for site-wide environmental investigation and cleanup. Such options will remain available to property owners.
- Most releases that are currently designated as a Significant Environmental Hazard (SEH) will be regulated as a Significant Existing Release (SER) in the RBCRs, which will streamline the process and ensure releases are cleaned up to the appropriate criteria. SEH provisions, however, are still needed for municipalities and land banks using some brownfield programs, so the statutory change will limit the SEH statute to those sites.

Why has it taken four years to craft the RBCRs?

DEEP and DECD have been working with stakeholders to draft a new structure and procedures for the RBCRs, which draw upon the cleanup processes employed in other states. Draft regulations were provided to the stakeholder group and revised before the formal regulation adoption process started.

Components of Release-Based Cleanup Regulations

What are the RBCRs?

The RBCRs combine process and administrative steps necessary to build a program with the substantive standards to which pollution must be remediated. The Cleanup Standards sections of the RBCRs include the [Remediation Standards Regulations](#) (RSRs) that have been in place since 1996 and were last updated in 2021.

Development of the regulations took into consideration the “Concept Papers” that members of the Working Group proposed, many of which were drawn from the Massachusetts Contingency Plan (<https://www.mass.gov/regulations/310-CMR-400000-massachusetts-contingency-plan>). The RBCRs update the RSRs in its Cleanup Standards sections by adding new approaches to streamline cleanups, reduce cleanup costs, timeframes, and burdens, and set a series of lower bounds, below which action is not required.

What are the major components of the RBCRs?

The RBCRs can be separated into these major components:

- **Within the First Year (after release is discovered):** Major categories of the process are: Discovery, Reporting, Characterization, and Immediate Actions. The first three categories are focused on making progress to determine the nature and extent of the release. Immediate Actions are necessary for those releases that present an immediate threat to human health or to the environment and are designed to evaluate and mitigate the risk quickly and to break receptor exposure pathways. The RBCRs incentivize clean up within the first year.
- **One year after the release is discovered:** If the release isn’t cleaned up within the first year, the release must enter a Tier. This is a risk-based tiering system for releases that

won't be cleaned up in the first year and includes a fee commensurate with the level of risk.

- **Cleanup Standards:** RBCRs incorporate existing cleanup standards known as the Remediation Standard Regulations (RSRs). Additions to the cleanup standards include two new customized Direct Exposure Criteria categories, additional methods of achieving compliance, and special pathways for releases of home heating oil, PFAS, and road salt.
- **Release Closure (Cleanup Completion):** When compliance with the cleanup performance standards is achieved, reporting includes submittal of a Verification or Certification with Release Remediation Closure Report.
- **Auditing:** The Department reviews completed work to ensure that the required standards have been achieved.

Do the RBCRs apply to residential properties?

In general, there is no specific environmental investigation requirement for single-family, owner-occupied homes. Even if someone chooses to investigate for historical releases (known as existing releases in the RBCRs), there is no action required, provided a release is not known to be migrating off such residential properties and any discovered release is not detected at high levels (i.e., above the Significant Existing Release threshold). However, if there is a new or on-going release, such as a release of home heating oil, reporting and cleanup is required. For releases of home heating oil, the most common substance released at residential properties, there is a special pathway to streamline the cleanup process.

Releases of more than 5 gallons of petroleum are [already required to be reported to DEEP](#) under regulations adopted pursuant to CGS 22a-450. Releases over 10 gallons of petroleum become subject to the RBCRs, if cleanup is not achieved within a year of discovery. The biggest change for residential scenarios is that there will now be a clear path to obtaining resolution when owners of residential properties take action to clean up a release or where a new release or spill occurs.

Additionally, for rental properties or multifamily homes there are lower bound exemptions that carve out many common release circumstances on residential properties.

Overall, there is **no** requirement that anything be done at the time of sale unless a release happens to be discovered during the sale and the owners has knowledge of such release.

Which releases are “Emergent Reportable Release” per the Release Based Cleanup Regulations?

New releases that need to be reported are described in RCSA 22a-450 and summarized in this flow chart.

Substance Released	Amount Subject to Release Reporting Regulations	Amount defined as “Emergent Reportable Release” subject to Release Based Cleanup Regulations
Petroleum	5 gallons or more	10 gallons or more
Non-Petroleum Substances	1.5 gallons or more; 10 pounds or more	3 gallons or more; 20 pounds or more
Materials of Special Concern identified in Release Reporting Regulations	Any amount/Reportable Quantities	Any amount

Under the RBCRs, a “Release” does **not** include, and does not require reporting, for:

- Naturally occurring substances
- Application of fertilizer or pesticides consistent with their labeling
- Incidental releases due to operation of motor vehicles (does **not** include refueling, repair, or maintenance)
- Releases from [regulated Underground Storage Tanks](#) (these UST system release cleanups are regulated under the UST regulations, see RCSA 22a-449(d)-1 and 22a-449(d)-101 to 113)
- Releases to secondary containment systems that do not reach the environment
- Releases that occur inside a structure (if the release does not contact soil and is removed within 2 hours of discovery)
- Normal paving and maintenance of bituminous concrete surfaces and roadways
- Substances emanating from utility poles or landscaping timbers that are serving their original intended use
- Automotive exhaust
- Trihalomethanes in groundwater attributed to leakage from a public water supply system

How is a historic release discovered under the RBCRs?

After the RBCRs are effective, “discovery” of a release to the environment is based on information or observations of [non-aqueous phase liquid](#), laboratory results of environmental samples, or multiple lines of evidence demonstrating that a release occurred (at least two things indicating a release had occurred, such as visible staining on soil and presence of a chemical odor). Generally, discovery occurs when an owner initiates some form of investigation into the conditions of its property. Reviewing past environmental data alone does NOT constitute discovery.

When must a Significant Existing Release (SER) be reported?

- Within 24 hours of discovery – Significant Existing Release (SER) impacting a drinking water well – to DEEP online reporting system
- Within 72 hours of discovery – All other SERs – to DEEP online reporting system

- Within 120 days of discovery (if not remediated to cleanup standards by that time):
 - Releases other than an SER or ERR
 - Substance in soil or groundwater $\geq 2x$ applicable cleanup standards
 - Oil or petroleum volume ≥ 2 cubic yards
 - NAPL thickness $\geq 1/8$ inch
- Within 1 year of discovery – Pollution $< 2x$ the applicable cleanup standards (if not remediated to cleanup standards by that time).

What are the fees unique to the RBCRs?

Fee Type	Fee	Due Date
Assignment to Tier 1A	\$3,000	One year from discovery – unless closed before
Assignment to Tier 1B	\$1,500	One year from discovery – unless closed before
Assignment to Tier 2	\$1,000	One year from discovery – unless closed before
Assignment to Tier 3	\$500	One year from discovery – unless closed before
Annual Fee for Tier 1A	Calculated*	Annually after tier assignment date until re-tiered or closed
Annual Fee for Tier 1B	Calculated*	Annually after tier assignment date until re-tiered or closed
Annual Fee for Tier 2	Calculated*	Annually after tier assignment date until re-tiered or closed
Annual Fee for Tier 3	Calculated*	Annually after tier assignment date until closed
Expedited Audit Request	\$500	Service fee – as requested

* Fee calculation equation is: $[FEE] + (.1[FEE] \times [\text{number of years since tier assignment date}]) = \text{annual fee due}$, where FEE is the base annual fee for that tier.

What happens when PFAS and/or road salt are discovered in a private drinking water supply?

The well owner/operator must report the discovery to DEEP within 3 days, and if they do so, it is **not** considered a significant existing release and immediate action is **not** required. The well owner/operator is **not** required to take further action or pay any RBCR fees unless DEEP determines that the well owner/operator created or is maintaining the *source* of the road salt or PFAS.

What is an Immediate Action?

An Immediate Action is the action taken upon discovery of a release, to prevent harm to human health or the environment, including:

- Removing the release from the land and waters of the state.
- Implementing measures to prevent migration of the release, such as active remediation techniques, the use of physical barriers, or appropriate treatment systems.
- Identifying and eliminating the source of the release.
- Preventing human exposure to the release.

What are Tiers?

Tiers are used when a release has **not** been cleaned up within **one year after discovery** to categorize releases based on the level of risk. The Tiers are:

- Tier 1A, DEEP Oversight:
 - Highest Risk Releases
 - Fewest cases
 - Unknown risks to receptors; programmatic noncompliance
 - Complete closure or re-tier 2 years after discovery
- Tier 1B, LEP Oversight – Receptor Risk
 - Known risk to receptors must still be addressed or scoping/screening ecological risk assessment is incomplete
 - RAP not completed
 - Complete closure or re-tier 3 years after discovery
- Tier 2, LEP Oversight – Controlled Risk
 - Controlled risk, no receptor pathways
 - Complete closure or re-tier 5 years after discovery
- Tier 3, Monitoring Oversight
 - Monitored Natural Attenuation only
 - Complete closure or reevaluate effectiveness of MNA 6 years after discovery

How does a release get into a Tier?

An LEP completes the Tier Checklist form to be filed with DEEP within one year after the release.

What is the role of a PEP? LEP? How will those change under the RBCRs?

Permitted Environmental Professionals (PEPs), many of whom are individuals who already clean up new emergent releases, are a new category of Environmental Professional under the RBCRs. PEPs are anticipated to supervise and sign off on the resolution of most releases that have not reached the groundwater and to formally document those efforts with Certification of how the cleanup criteria are achieved.

Licensed Environmental Professionals (LEPs), [licensed under RCSA 22a-133v](#), may resolve all releases that PEPs can address, as well as releases that impact groundwater or require Tiering or variances, permits by rule, and other alternate remedy measures in the RBCRs.

Essentially, the role of these individuals will not change, but procedures and requirements regarding closure of releases are new for PEPs and remain largely the same for LEPs.

How is Certification of a Release different from Verification?

Certifications are allowed to be made by PEPs on less significant new releases that solely impact soil, with no persistent impacts to groundwater. Only LEPs licensed through the [State Board of Examiners of Environmental Professionals](#) can provide Verifications (as defined in CGS 22a-133v) for existing releases or any release that impacts groundwater.

- A PEP will be able to render a Certification, through submittal of Immediate Action Reports and Release Remediation Closure Reports, for new releases to soil that have not persistently affected groundwater (sometimes the act of excavating soil briefly contaminates groundwater).
- An LEP can verify Immediate Action Reports, Release Remediation Closure Reports, and Tier assignments for all releases, as well as variances and Notices of Activity and Use Limitations, and other compliance measures in the RBCRs.

What is the purpose of a Release Remediation Closure (Cleanup Complete) Report?

A release remediation closure report demonstrates:

- that the cleanup performance standards have been satisfied through compliance with default numeric criteria or alternate remedy solutions.
- that the extent and degree of a release has been defined and describes how it was cleaned up.
- the location of the release on a property and all locations from which samples were collected.
- that no further action to clean up the release is required, which is accompanied by a Verification or Certification, or approved in writing by the commissioner.
- that a release has not caused a persistent impact to groundwater and that soil conditions meet applicable criteria, as Certified by a PEP.
- that analytical results of both soil and groundwater samples meet criteria; which variances and compliance measures, if applicable, were used to achieve compliance; and, that appropriate institutional controls (such as ELURs or NAULs) have been recorded, if applicable – and supported by an LEP Verification.

What Release-Based records can DEEP audit and when?

Any record of a release response (any documentation of compliance with a requirement of the RCBRs Certified by a PEP or Verified by an LEP) can be audited. There are three types of audit:

- **A screening audit** may be conducted on any release record and must be completed within 180 days of submission to DEEP. A screening audit may lead to a focused or full audit.
- **A focused audit** may be conducted on any release record. It must be initiated within 180 days of submission to DEEP and completed within 18 months. A focused audit of a Release Remediation Closure Report may lead to a full audit.
- **A full audit** may be conducted only on a release remediation closure record, either an LEP Verification or a PEP Certification. The full audit must be initiated within 180 days of a Release Remediation Closure Report submission to DEEP or prior to conclusion of a focused audit. A full audit must be concluded within 2 years of submittal of the Release Remediation Closure Report to DEEP. A full audit may be conducted without a screening or focused audit.

What are the possible outcomes of an audit?

The Verification or Certification will either be accepted or rejected following an audit. If a Certification is rejected, a Verification will be needed to close the release.

Why does DEEP conduct audits?

DEEP conducts audits, as required under [CGS 22a-134uu](#), as a cost-effective way to ensure that releases are cleaned up as required without DEEP having to be engaged with every cleanup and at every step of the investigation and cleanup process.

Technical Changes to Streamline Cleanups

How do I demonstrate that the concentration of metals in an environmental sample is indicative of a naturally occurring source?

There are 5 options to demonstrate that a metal detected in soil is naturally occurring (the first four are new):

1. **Single Sample Direct Comparison to Connecticut Baseline Low Values** - Compare the metal detection to the Low Value in the table provided in section 22a-134tt-2(f)(2)(C). If the analytical result is less than or equal to the table value, it is a naturally occurring concentration.
2. **3-Sample Comparison to Connecticut Baseline High Values** - Collect at least 3 soil samples from an area **not** impacted by site activity and from the same geologic unit as the detection in question. If all 3 metal results are all less than or equal to the High Value in the table in 22a-134tt-2(f)(2)(C), the highest of those 3 detections can be considered a naturally occurring concentration.
3. **5-Sample Evaluation Below Residential Direct Exposure Criteria** - Collect a data set of at least 5 soil samples from an area **not** impacted by site activity and in the same geologic unit as the detection in question and from which outliers have been removed based on an outlier analysis. If all metal results are less than the Residential Direct

Exposure Criteria, the highest of those 5 detections can be considered a naturally occurring concentration.

4. **7-Sample Evaluation Above Residential Direct Exposure Criteria with Commissioner Approval** - Collect a data set of at least 7 soil samples from an area **not** impacted by site activity and in the same geologic unit as the detection in question and from which outlier sample data has been removed based on an outlier analysis. If any metal result is greater than the Residential Direct Exposure Criteria, the Commissioner's approval may be sought to consider such detection as naturally occurring.
5. **Any Other Method Requires Commissioner Written Approval** - Other methods may be used to establish a metal concentration as naturally occurring provided the Commissioner's written approval is obtained to support the conclusion.

What are the new criteria categories?

Managed Multifamily Residential Direct Exposure Criteria:

- Four or more residential units on the same parcel
- Managed by an association or a professional property management company
- Lease agreements/bylaws/other enforceable documents:
 - prohibit residents from digging in soil
 - allow active recreation only on areas with impervious surface
- An Environmental Use Restriction [EUR] is in effect to prohibit residential activity other than managed multifamily residential activity

Passive Recreation Direct Exposure Criteria:

- Parcel is **only** used for passive recreation activity (e.g., hiking trails, bike paths, horse trails, cross-country ski trails)
- Either an EUR or a conservation easement granted to a local, state, or federal agency is in effect to prohibit residential activity other than passive recreation activity
- **Note:** passive recreation does **not** include sports fields, picnic grounds, playgrounds, campsites, etc., as human exposure to contaminants is much more likely at those locations.

What is a Permit by Rule?

A permit by rule is a regulatory mechanism similar to a general permit that applies to certain parcels that meet certain eligibility criteria. The permissive text is in the RBCRs. A permit by rule is obtained by providing notice to DEEP and filing an Affidavit of Facts on the property land records.

What does the Permit by Rule for Historically Impacted Materials (HIM) require?

- The parcel is used for industrial/commercial purposes **only**
- Tier characterization has determined:
 - the presence of historically impacted material
 - that it is not prudent to remove such material
- Any significant existing releases have been identified (within two years of discovering HIM) and addressed within the time frame specified for Immediate Actions.
- All state and federal requirements regarding PCBs in such material have been satisfied.

- Affidavit of Facts describing the location of HIM be recorded on the land records by the parcel owner
- Every 5 years the parcel owner must certify to DEEP that the polluted fill has not been relocated and identify the current land use
- Parcel owner must notify DEEP if land use changes to a residential activity (RBCR definition includes dwellings, schools, playgrounds, hospitals, etc.). In such cases, cleanup to Residential Direct Exposure Criteria is then required
- Permit is transferable to new owners (owner must notify buyer)

What does the Permit by Rule for “Soil Located beneath Concrete or Bituminous Concrete” require?

- Affidavit of Facts describing the location of contaminated soil must be recorded on the land records by the parcel owner
- Inspect condition of concrete or bituminous concrete every 5 years
- Permit is transferable to new owners (owner must notify buyer)
- If concrete or bituminous concrete is removed, additional remediation is required

What is the “Conditional Exemption for Dredged Materials”?

- Requires Commissioner’s approval through a [Structures, Dredging, and Fill Permit](#) (CGS section 22a-361) or a [Dam Safety Permit](#) (CGS section 22a-403)
- Not subject to Direct Exposure Criteria (DEC) if covered by one foot of crushed stone or another approved cover depth and material
- Not subject to Pollutant Mobility Criteria if reused at a location immediately upgradient of the water body from which the material was removed

What are the Conditions for Using the LEP-Calculated Alternative Risk-Based Direct Exposure Criteria?

- A parcel-wide investigation has been conducted
- All discovered releases will be remediated
- Alternative risk-based Direct Exposure Criteria ensures that the total site risk posed by such substances does not exceed:
 - cumulative excess lifetime cancer risk of 10^{-5} for 2 or more carcinogenic substances
 - excess lifetime cancer risk of 10^{-6} for each individual carcinogenic substance
 - cumulative hazard index of 1 for non-carcinogenic substances with the same target organ
- Calculations are completed using a calculator (in Excel) prescribed by the commissioner
- Cannot be used for PCBs

Further Questions

If you have specific questions on these FAQs, please contact us at DEEP.Cleanup.Transform@ct.gov. Additional updates to these FAQs will be made as the Department receives new questions.